



Journal of the Senate

Number 6—Regular Session

Friday, March 18, 2005

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CALL TO ORDER

The Senate was called to order by President Lee at 9:15 a.m. A quorum present—40:

Mr. President	Diaz de la Portilla	Peadar
Alexander	Dockery	Posey
Argenziano	Fasano	Pruitt
Aronberg	Garcia	Rich
Atwater	Geller	Saunders
Baker	Haridopolos	Sebesta
Bennett	Hill	Siplin
Bullard	Jones	Smith
Campbell	King	Villalobos
Carlton	Klein	Webster
Clary	Lawson	Wilson
Constantine	Lynn	Wise
Crist	Margolis	
Dawson	Miller	

PRAYER

The following prayer was offered by Senator Haridopolos:

Dear God, we thank you for the honor to serve you and the citizens of our state. We thank you for the opportunity to assemble in freedom. Today, we humbly seek your guidance as we make a difficult decision. We pray that our choice is pleasing to your ears. Regardless of our vote, please know that each of us loves you and we seek your grace.

We pray for the safety of men and women in the Armed Forces, as well as their families, as they promote hope, opportunity and freedom abroad.

Let us remember the words from your Book: "Be slow to speak, slow to anger, quick to listen." God, we love you and please continue to bless the citizens of our state, and the City on the Hill that you created, the United States of America. Amen.

PLEDGE

Senate Pages Andrew Palmer of Orange Park; Marguerite "Anne" Timmel and Elizabeth "Bette" Marston of Tampa; and Matthew Tolar of Plant City, led the Senate in the pledge of allegiance to the flag of the United States of America.

BILLS ON THIRD READING

CS for SB 478—A bill to be entitled An act relating to podiatric medicine; amending s. 461.014, F.S.; requiring a hospital having a podiatric residency program to annually provide the Board of Podiatric Medicine with certain information; revising the time period during which a podiatric physician may continue as an unlicensed resident in a residency program; permitting a resident podiatric physician to prescribe

certain medications under certain circumstances; providing that a podiatric resident who is registered under the act is subject to specified disciplinary procedures; providing a penalty; requiring the board to adopt rules to administer this act; providing an effective date.

—as amended March 10 was read the third time by title.

On motion by Senator Clary, **CS for SB 478** as amended was passed and certified to the House. The vote on passage was:

Yeas—39

Mr. President	Diaz de la Portilla	Miller
Alexander	Dockery	Peadar
Argenziano	Fasano	Posey
Aronberg	Garcia	Pruitt
Atwater	Geller	Rich
Baker	Haridopolos	Saunders
Bennett	Hill	Sebesta
Bullard	Jones	Siplin
Campbell	King	Smith
Carlton	Klein	Villalobos
Clary	Lawson	Webster
Constantine	Lynn	Wilson
Crist	Margolis	Wise

Nays—None

Vote after roll call:

Yea—Dawson

CS for SB 804—A bill to be entitled An act relating to the suspension of artificially provided sustenance or hydration from a person in a persistent vegetative state; creating s. 765.405, F.S.; prohibiting the suspension of the sustenance or hydration under certain conditions; authorizing certain parties to petition the court to prevent suspension of the sustenance or hydration; specifying that the act is remedial and providing for its application; providing an effective date.

—was read the third time by title.

On motion by Senator Webster, further consideration of **CS for SB 804** was deferred.

CS for SB 1486—A bill to be entitled An act relating to property insurance; amending s. 627.701, F.S.; providing that the requirement for a hurricane deductible to apply on an annual basis applies to personal lines residential property insurance policies; requiring insurers that provide commercial residential property insurance to offer alternative hurricane deductibles that apply on an annual basis or to each hurricane; providing an effective date.

—was read the third time by title.

On motion by Senator Garcia, **CS for SB 1486** was passed and certified to the House. The vote on passage was:

Yeas—37

Alexander	Atwater	Bullard
Argenziano	Baker	Campbell
Aronberg	Bennett	Carlton

Clary	Jones	Rich	Posey	Sebesta	Webster
Constantine	King	Saunders	Pruitt	Siplin	Wilson
Crist	Klein	Sebesta	Rich	Smith	Wise
Diaz de la Portilla	Lawson	Siplin	Saunders	Villalobos	
Dockery	Lynn	Smith	Nays—None		
Fasano	Margolis	Villalobos	Vote after roll call:		
Garcia	Miller	Webster	Yea—Dawson		
Geller	Peaden	Wise			
Haridopolos	Posey				
Hill	Pruitt				

Nays—None

Vote after roll call:

Yea—Dawson, Wilson

SB 114—A bill to be entitled An act relating to trust funds; creating the Entertainment Industry Financial Incentive Trust Fund; providing for sources of funds and purposes; requiring funds to remain in the trust fund at the end of each fiscal year; providing for future review and termination or re-creation of the fund; providing a contingent effective date.

—was read the third time by title.

On motion by Senator Saunders, **SB 114** was passed by the required constitutional three-fifths vote of the membership and certified to the House. The vote on passage was:

Yeas—38

Mr. President	Diaz de la Portilla	Miller
Alexander	Dockery	Peaden
Argenziano	Fasano	Posey
Aronberg	Garcia	Pruitt
Atwater	Geller	Rich
Baker	Haridopolos	Saunders
Bennett	Hill	Sebesta
Bullard	Jones	Siplin
Campbell	King	Smith
Carlton	Klein	Webster
Clary	Lawson	Wilson
Constantine	Lynn	Wise
Crist	Margolis	

Nays—None

Vote after roll call:

Yea—Dawson, Villalobos

SB 238—A bill to be entitled An act relating to personal injury protection insurance; amending s. 627.732, F.S.; defining the terms “biometric” and “biometric time date technology”; amending s. 627.736, F.S.; revising procedures with respect to the use of biometric time date technology for the purpose of documenting claims and making payments under personal injury protection benefits; providing an effective date.

—was read the third time by title.

On motion by Senator Campbell, **SB 238** was passed and certified to the House. The vote on passage was:

Yeas—38

Mr. President	Carlton	Haridopolos
Alexander	Clary	Hill
Argenziano	Constantine	Jones
Aronberg	Crist	King
Atwater	Diaz de la Portilla	Lawson
Baker	Dockery	Lynn
Bennett	Fasano	Margolis
Bullard	Garcia	Miller
Campbell	Geller	Peaden

Posey	Sebesta	Webster
Pruitt	Siplin	Wilson
Rich	Smith	Wise
Saunders	Villalobos	
Nays—None		
Vote after roll call:		
Yea—Dawson		

SB 300—A bill to be entitled An act relating to taxation; repealing s. 11, ch. 2000-312, Laws of Florida; abrogating the expiration of provisions in ss. 197.182(1), (3), 120.80(14)(b), 213.21(2), (3), 199.185(1)(n), 125.0104(6), (10), 212.0305(5)(c), 213.053(7)(j), 212.055(2)(c), (5), (7), F.S., relating to the Department of Revenue passing upon and ordering refunds of property taxes, taxpayer contest proceedings against the department, procedures by which the department may resolve disputes relating to assessment of taxes, interest, and penalties, exemption from the tax on intangible personal property for leasehold estates in governmental property, auditing of records relating to local administration of the Tourist Development Tax, auditing of records relating to local administration of the Convention Development Tax, disclosure of confidential information by the department, levying the County Public Hospital Surtax, distribution of the Local Government Infrastructure Surtax, and the Voter-Approved Indigent Care Surtax, which expiration was scheduled to take effect October 1, 2005; providing an effective date.

—was read the third time by title.

On motion by Senator Atwater, **SB 300** was passed and certified to the House. The vote on passage was:

Yeas—39

Mr. President	Diaz de la Portilla	Miller
Alexander	Dockery	Peaden
Argenziano	Fasano	Posey
Aronberg	Garcia	Pruitt
Atwater	Geller	Rich
Baker	Haridopolos	Saunders
Bennett	Hill	Sebesta
Bullard	Jones	Siplin
Campbell	King	Smith
Carlton	Klein	Villalobos
Clary	Lawson	Webster
Constantine	Lynn	Wilson
Crist	Margolis	Wise

Nays—None

Vote after roll call:

Yea—Dawson

SB 162—A bill to be entitled An act relating to voyeurism; amending s. 810.14, F.S.; revising the elements of the offense of voyeurism in order to eliminate acts of photographing, filming, videotaping, or recording, which are made a crime under the offense of video voyeurism; providing that a person commits the offense of voyeurism when he or she secretly observes another person when the other person is in a location that provides a reasonable expectation of privacy; providing an effective date.

—was read the third time by title.

On motion by Senator Aronberg, **SB 162** was passed and certified to the House. The vote on passage was:

Yeas—39

Mr. President	Bennett	Crist
Alexander	Bullard	Diaz de la Portilla
Argenziano	Campbell	Dockery
Aronberg	Carlton	Fasano
Atwater	Clary	Garcia
Baker	Constantine	Geller

Haridopolos	Margolis	Sebesta
Hill	Miller	Siplin
Jones	Peaden	Smith
King	Posey	Villalobos
Klein	Pruitt	Webster
Lawson	Rich	Wilson
Lynn	Saunders	Wise

Nays—None

Vote after roll call:

Yea—Dawson

CS for SB 366—A bill to be entitled An act relating to health care practitioners; amending s. 456.072, F.S.; providing that a health care practitioner's failure to comply with the terms of a monitoring or treatment program for impaired practitioners or failure to complete any drug-treatment or alcohol-treatment program is an additional ground under which the practitioner is subject to discipline by the Department of Health or the board having jurisdiction over the practitioner; reenacting ss. 457.109(2), 458.331(2), 459.015(2), 460.413(2), 461.013(2), 462.14(2), 463.016(2), 464.018(2), 465.016(2), 466.028(2), 467.203(2), 468.1295(2), 468.1755(1)(a) and (2), 468.217(2), 468.365(2), 468.518(2), 468.719(2), 468.811(2), 478.52(2), 480.046(2), 483.825(2), 483.901(6)(h), 484.014(2), 484.056(1)(a) and (2)(a), 486.125(2), 490.009(2), and 491.009(2), F.S., relating to health care practice acts and similar regulatory provisions, to incorporate the amendment to s. 456.072, F.S., in references thereto; providing an effective date.

—was read the third time by title.

On motion by Senator Peaden, **CS for SB 366** was passed and certified to the House. The vote on passage was:

Yeas—39

Mr. President	Diaz de la Portilla	Miller
Alexander	Dockery	Peaden
Argenziano	Fasano	Posey
Aronberg	Garcia	Pruitt
Atwater	Geller	Rich
Baker	Haridopolos	Saunders
Bennett	Hill	Sebesta
Bullard	Jones	Siplin
Campbell	King	Smith
Carlton	Klein	Villalobos
Clary	Lawson	Webster
Constantine	Lynn	Wilson
Crist	Margolis	Wise

Nays—None

Vote after roll call:

Yea—Dawson

SB 266—A bill to be entitled An act relating to nursing home facilities; amending s. 400.141, F.S.; providing a method by which state-designated teaching nursing homes and affiliated assisted living facilities may demonstrate financial responsibility; providing an effective date.

—was read the third time by title.

On motion by Senator Saunders, **SB 266** was passed and certified to the House. The vote on passage was:

Yeas—39

Mr. President	Bennett	Crist
Alexander	Bullard	Diaz de la Portilla
Argenziano	Campbell	Dockery
Aronberg	Carlton	Fasano
Atwater	Clary	Garcia
Baker	Constantine	Geller

Haridopolos	Margolis	Sebesta
Hill	Miller	Siplin
Jones	Peaden	Smith
King	Posey	Villalobos
Klein	Pruitt	Webster
Lawson	Rich	Wilson
Lynn	Saunders	Wise

Nays—None

Vote after roll call:

Yea—Dawson

CS for CS for SB 434—A bill to be entitled An act relating to individuals with disabilities; amending s. 413.08, F.S.; providing definitions; providing that an individual with a disability has full and equal access to and enjoyment of public accommodations and state and local facilities, programs, services, and activities; providing that an individual with a disability may be accompanied by a service animal in places of public accommodation and in state and local facilities; directing that documentation that a service animal is trained may not be a precondition for providing service to an individual accompanied by a service animal; requiring that a service animal be given access to all areas of a government facility or public accommodation that the public or customers are normally permitted to occupy; prohibiting segregating an individual with a service animal from other customers or the public; prohibiting a public accommodation from imposing a deposit or surcharge on an individual with a disability as a precondition to permitting a service animal to accompany the individual; providing that an individual with a disability may be liable for damage caused by a service animal; providing that the animal's owner is responsible for the care and supervision of a service animal; providing that the public accommodation or government entity is not required to provide care or food or a special location for a service animal; providing that a public accommodation or government entity may exclude or remove any animal from the premises if the animal's behavior poses a direct threat to the health and safety of others; increasing certain penalties for violations of the act; providing that the trainer of a service animal has the same rights and privileges as a person with a disability while training the service animal; providing that a housing accommodation may request proof of compliance with vaccination requirements; amending s. 413.081, F.S.; conforming provisions to changes made by the act; providing an effective date.

—as amended March 17 was read the third time by title.

On motion by Senator Wise, **CS for CS for SB 434** as amended was passed and certified to the House. The vote on passage was:

Yeas—38

Mr. President	Dockery	Peaden
Alexander	Fasano	Posey
Argenziano	Garcia	Pruitt
Aronberg	Geller	Rich
Atwater	Haridopolos	Saunders
Baker	Hill	Sebesta
Bennett	Jones	Siplin
Bullard	King	Smith
Carlton	Klein	Villalobos
Clary	Lawson	Webster
Constantine	Lynn	Wilson
Crist	Margolis	Wise
Diaz de la Portilla	Miller	

Nays—None

Vote after roll call:

Yea—Campbell, Dawson

CS for SB 62—A bill to be entitled An act relating to services for seniors and adults with developmental disabilities; authorizing each county to create an independent special district to provide funding for services for seniors and adults with developmental disabilities; requiring approval by referendum at the next general election to annually levy

ad valorem taxes not to exceed a certain maximum; creating a governing board for the special district; specifying criteria for membership to the governing board; providing terms of office; clarifying that a county may provide services for seniors and adults with developmental disabilities or create a special district to provide such services by general or special law; specifying the powers and functions of a council on services for seniors and adults with developmental disabilities; requiring each council to appoint a chair and a vice chair and elect officers, to identify and assess the needs of the seniors and adults with developmental disabilities in the county served by the council, to provide training and orientation to new members of the council, to make and adopt bylaws and rules for the council's operation and governance, and to provide an annual written report to the governing body of the county; requiring the council to maintain minutes of each meeting and to serve without compensation; requiring the council to prepare a tentative annual budget and to compute a millage rate to fund the tentative budget; requiring that all tax moneys collected be paid directly to the council on services for seniors and adults with developmental disabilities by the tax collector of the county and deposited in qualified public depositories; specifying expenditures of funds; requiring the council to prepare and file a financial report with the governing body of the county; providing that a district may be dissolved by a special act of the Legislature or by ordinance by the governing body of the county; specifying obligations of the county if a district is dissolved; authorizing the governing body of a county to fund the budget of the council on services for seniors and adults with developmental disabilities from its own funds after or during the council's first year of operation; requiring a special district to comply with statutory requirements related to the filing of a financial or compliance report; authorizing a county to create a dependent special district to provide certain services for seniors and adults with developmental disabilities; authorizing the district to seek grants and accept donations from public and private sources; providing legislative intent with respect to the use of funds collected by a council on services for seniors and adults with developmental disabilities; providing that two or more councils on services for seniors and adults with developmental disabilities may enter into a cooperative agreement to share administrative costs, staff, and office space and seek grants, accept donations, or jointly fund programs serving multicounty areas; prohibiting councils or districts from requiring matching funds from certain service providers as a condition for the provision of services by the council or district; providing an effective date.

—as amended March 17 was read the third time by title.

On motion by Senator Campbell, **CS for SB 62** as amended was passed and certified to the House. The vote on passage was:

Yeas—37

Alexander	Dockery	Posey
Argenziano	Fasano	Pruitt
Aronberg	Garcia	Rich
Atwater	Geller	Saunders
Baker	Haridopolos	Sebesta
Bennett	Jones	Siplin
Bullard	King	Smith
Campbell	Klein	Villalobos
Carlton	Lawson	Webster
Clary	Lynn	Wilson
Constantine	Margolis	Wise
Crist	Miller	
Diaz de la Portilla	Peaden	

Nays—1

Hill

Vote after roll call:

Yea—Dawson

SB 544—A bill to be entitled An act relating to psychotherapist-patient privilege; amending s. 90.503, F.S.; redefining the term “psychotherapist” to include certain advanced registered nurse practitioners for purposes of the psychotherapist-patient privilege of the Florida Evidence Code; providing an effective date.

—as amended March 17 was read the third time by title.

On motion by Senator Smith, **SB 544** as amended was passed and certified to the House. The vote on passage was:

Yeas—39

Mr. President	Diaz de la Portilla	Miller
Alexander	Dockery	Peaden
Argenziano	Fasano	Posey
Aronberg	Garcia	Pruitt
Atwater	Geller	Rich
Baker	Haridopolos	Saunders
Bennett	Hill	Sebesta
Bullard	Jones	Siplin
Campbell	King	Smith
Carlton	Klein	Villalobos
Clary	Lawson	Webster
Constantine	Lynn	Wilson
Crist	Margolis	Wise

Nays—None

Vote after roll call:

Yea—Dawson

CS for SB 474—A bill to be entitled An act relating to nurse registries; amending s. 400.506, F.S.; revising requirements for home visits by registered nurses; deleting a mandatory requirement for monthly visits; requiring that the patient be notified of the availability of optional visits; providing an effective date.

—was read the third time by title.

Senator Saunders moved the following amendment which was adopted by two-thirds vote:

Amendment 1 (862478)—On page 1, lines 20-29, delete those lines and insert: *or a person acting on behalf of the patient at the time of contracting for services through the nurse registry of the availability of registered nurses to visit the patient's home to assess the patient's condition at an additional cost. A registered nurse shall make monthly visits to the patient's home to assess the patient's condition and quality of care being provided by the certified nursing assistant or home health aide.* Any condition which in the professional judgment of the nurse requires further medical attention shall be reported to the attending physician and the nurse registry. The assessment shall become a

On motion by Senator Saunders, **CS for SB 474** as amended was passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—39

Mr. President	Diaz de la Portilla	Miller
Alexander	Dockery	Peaden
Argenziano	Fasano	Posey
Aronberg	Garcia	Pruitt
Atwater	Geller	Rich
Baker	Haridopolos	Saunders
Bennett	Hill	Sebesta
Bullard	Jones	Siplin
Campbell	King	Smith
Carlton	Klein	Villalobos
Clary	Lawson	Webster
Constantine	Lynn	Wilson
Crist	Margolis	Wise

Nays—None

Vote after roll call:

Yea—Dawson

CS for SB 64—A bill to be entitled An act relating to guardianship; amending s. 737.2065, F.S.; authorizing the guardian of the property of

an incapacitated person to contest the validity of a trust before it becomes irrevocable; amending s. 744.107, F.S.; revising provisions relating to court monitors; requiring orders of appointment and monitors' reports to be served upon certain persons; authorizing the court to enter any order necessary to protect a ward or ward's estate; requiring notice and a hearing; authorizing a court to assess certain costs and attorney's fees under certain circumstances; creating s. 744.1075, F.S.; authorizing a court to appoint a court monitor on an emergency basis under certain circumstances; requiring the court to make certain findings; requiring the monitor to report findings and recommendations; providing duties of the court relating to probable cause for the emergency appointment; providing requirements for a court order to show cause for the emergency appointment; specifying a time period for a monitor's authority; providing for extending such time period; authorizing the court to issue certain injunctions or orders for certain purposes; requiring the court to provide copies of such injunctions or orders to all parties; authorizing the court to impose sanctions or take certain enforcement actions; providing for payment of reasonable fees to the monitor; prohibiting certain persons from receiving certain fees; authorizing a court to assess certain costs and attorney's fees under certain circumstances; amending s. 744.331, F.S.; requiring the court to determine whether there is an alternative to guardianship if a person is determined incapable of exercising his or her delegable rights; authorizing an interested person to file a verified statement indicating a belief that an incapacitated person's trust, trust amendment, or durable power of attorney is invalid, in which case such instrument may not be an alternative to the appointment of a guardian; amending s. 744.387, F.S.; providing that the present value or future benefits of a structured settlement may not be included in determining the net settlement to a ward for guardianship purposes if the settlement includes a structured settlement that does not pay benefits to the minor until the minor reaches the age of majority; amending s. 744.441, F.S.; requiring the court to determine whether an action contesting the validity of a trust is in the ward's best interests before authorizing a guardian to bring such actions; creating s. 744.462, F.S.; requiring that the validity of a ward's durable power of attorney, trust, or trust amendment be reported in the guardianship proceedings; requiring the court to review the continued need for a guardian and delegation of the ward's rights under certain conditions; providing an effective date.

—as amended March 17 was read the third time by title.

On motion by Senator Campbell, **CS for SB 64** as amended was passed and certified to the House. The vote on passage was:

Yeas—39

Mr. President	Diaz de la Portilla	Miller
Alexander	Dockery	Peadar
Argenziano	Fasano	Posey
Aronberg	Garcia	Pruitt
Atwater	Geller	Rich
Baker	Haridopolos	Saunders
Bennett	Hill	Sebesta
Bullard	Jones	Siplin
Campbell	King	Smith
Carlton	Klein	Villalobos
Clary	Lawson	Webster
Constantine	Lynn	Wilson
Crist	Margolis	Wise

Nays—None

Vote after roll call:

Yea—Dawson

REPORTS OF COMMITTEES

The Committee on Regulated Industries recommends a committee substitute for the following: **CS for SB 442**

The bill with committee substitute attached was referred to the Committee on Banking and Insurance under the original reference.

The Committee on Transportation recommends a committee substitute for the following: **SB 454**

The bill with committee substitute attached was referred to the Committee on Criminal Justice under the original reference.

COMMITTEE SUBSTITUTES

FIRST READING

By the Committees on Regulated Industries; Community Affairs; and Senator Bennett—

CS for CS for SB 442—A bill to be entitled An act relating to building safety; amending s. 215.559, F.S.; requiring that a specified percentage of the funds appropriated under the Hurricane Loss Mitigation Program be used for education concerning the Florida Building Code and for the operation of the disaster contractors network; requiring the Department of Community Affairs to contract with a nonprofit tax-exempt entity for training, development, and coordination; amending s. 468.621, F.S.; providing additional grounds for which disciplinary actions may be taken against building code enforcement officials; amending s. 489.537, F.S.; providing that certain alarm system contractors and electrical contractors may not be required by a municipality or county to obtain additional certification or meet additional licensure requirements; amending s. 553.37, F.S.; providing requirements for exit alarms; providing for the approval, delivery, and installation of lawn storage buildings and storage sheds; amending s. 553.73, F.S.; specifying certain codes from the International Code Congress and the International Code Council as foundation codes for the updated Florida Building Code; providing requirements for amendments to the foundation codes; providing for the incorporation of certain statements, decisions, and amendments into the Florida Building Code; providing a timeframe for rule updates to the Florida Building Code to become effective; adding a requirement for technical amendments to the Florida Building Code; providing requirements for the Florida Building Commission in reviewing code amendments; providing an exception; incorporating by reference certain standards for unvented conditioned attic assemblies; amending s. 553.77, F.S.; revising duties of the Florida Building Commission; authorizing local building departments or other entities to approve changes to an approved building plan; prohibiting a commission member from voting or taking action on matters of a personal or financial interest to the member; deleting requirements that the commission hear certain appeals and issue declaratory statements; creating s. 553.775, F.S.; providing legislative intent with respect to the interpretation of the Florida Building Code; providing for the commission to resolve disputes regarding interpretations of the code; requiring the commission to review decisions of local building officials and local enforcement agencies; providing for publication of an interpretation on the Building Code Information System and in the Florida Administrative Weekly; authorizing the commission to adopt a fee; amending s. 553.79, F.S.; exempting truss-placement plans from certain requirements; amending s. 553.791, F.S.; clarifying a definition; expanding authorization to use private providers to provide building code inspection services; including fee owner contractors within such authorization; revising notice requirements for using private providers; revising procedures for issuing permits; providing requirements for representatives of private providers; providing for waiver of certain inspection records requirements under certain circumstances; requiring that issuance of stop-work orders be pursuant to law; providing for establishment of a registration system for private providers and authorized representatives of private providers for licensure compliance purposes; preserving authority to issue emergency stop-work orders; revising insurance requirements for private providers; specifying conditions for proceeding with building work; amending s. 553.80, F.S.; authorizing local governments to impose certain fees for code enforcement; providing requirements and limitations; conforming a cross-reference; requiring the commission to expedite adoption and implementation of the existing state building code as part of the Florida Building Code pursuant to limited procedures; exempting certain buildings of the Department of Agriculture and Consumer Services from local permitting requirements, review, or fees; amending s. 120.80, F.S.; authorizing the Florida Building Commission to conduct proceedings to review decisions of local officials; amending s. 553.841, F.S.; revising provisions governing the Building Code Training Program; creating the Building Code Education and Outreach Council to coordinate, develop, and ensure enforcement of the Florida Building Code; providing for membership, terms of office, and meetings; providing duties of the council; providing for administrative

support for the council; requiring the council to develop a core curriculum and equivalency test for specified licensees; providing for the use of funds by the council; repealing s. 553.8413, F.S., relating to the Education Technical Advisory Committee; amending s. 553.842, F.S.; providing for products to be approved for statewide use; deleting an obsolete date; deleting a provision requiring the commission to adopt certain criteria for local program verification and validation by rule; providing for validation of certain products by inspection of the certification mark or listing; adding an evaluation entity to the list of entities specifically approved by the commission; deleting a requirement that the commission establish a schedule for adopting rules relating to product approvals under certain circumstances; creating s. 633.026, F.S.; requiring that the State Fire Marshal establish by rule a process for rendering non-binding interpretations of the Florida Fire Prevention Code; authorizing the State Fire Marshal to enter into contracts and refer interpretations to a nonprofit organization; providing for the interpretations to be advisory; providing for funding the program from the Insurance Regulatory Trust Fund; providing requirements for local product approval of products or systems of construction; specifying methods for demonstrating compliance with the structural windload requirements of the Florida Building Code; providing for certification to be issued by a professional engineer or registered architect; providing for audits under a quality assurance program and other types of certification; providing that changes to the Florida Building Code do not void the approval of previously installed products; amending s. 633.021, F.S.; redefining terms used in ch. 633, F.S.; amending s. 633.0215, F.S.; revising provisions relating to the construction of townhouse stairs; amending s. 633.065, F.S.; providing additional requirements for inspection and maintenance of fire suppression equipment; amending s. 633.071, F.S.; requiring inspection tags to be attached to all fire protection systems; providing for the standardization of inspection tags and reports; amending s. 633.082, F.S.; requiring fire protection systems to be inspected in accordance with nationally accepted standards; amending s. 633.521, F.S.; establishing a permit classification for individuals who inspect fire protection systems; amending s. 633.524, F.S.; establishing fees for various classes of permits; amending s. 633.537, F.S.; establishing continuing education requirements; amending s. 633.539, F.S.; requiring fire protection systems to be inspected, serviced, or maintained by a permit holder; establishing the scope of work criteria; amending s. 633.547, F.S.; providing for disciplinary action; repealing s. 553.851, F.S., relating to the protection of underground gas pipelines; providing that a local government must act upon certain permit applications within a specified time or the permits are automatically deemed approved; providing for an extension; providing an effective date.

By the Committee on Transportation; and Senator Sebesta—

CS for SB 454—A bill to be entitled An act relating to highway safety; amending s. 316.006, F.S.; providing for interlocal agreements between municipalities and counties transferring traffic regulatory authority; amending s. 316.083, F.S.; requiring an appropriate signal when overtaking and passing a vehicle; amending s. 316.155, F.S.; specifying that signals are required when overtaking or passing a vehicle; amending s. 316.2095, F.S.; revising physical requirements for operating motorcycles under certain circumstances; amending s. 316.302, F.S.; providing a penalty for operating a commercial motor vehicle bearing a false or other

illegal identification number; amending s. 316.3045, F.S.; revising criteria related to the operation of radios or other sound-making devices in motor vehicles; amending s. 318.1215, F.S.; clarifying that funds from the Dori Slosberg Driver Education Safety Act be used for driver education programs in schools; requiring that funds be used for enhancement of a driver education program funds; providing a requirement for behind-the-wheel training; amending s. 320.08058, F.S.; revising requirements for agencies that receive funds from the Choose Life license plate; revising authorized uses of revenues from the Animal Friend specialty license plate; amending s. 320.089, F.S.; allowing retired members of the U.S. Armed Forces Reserve to be issued U.S. Reserve license plates; amending s. 322.08, F.S.; allowing funds collected from a voluntary contribution associated with driver's license renewals to be used for hearing screening for all age groups; amending s. 322.2615, F.S.; providing that the disposition of a related criminal proceeding may not affect a suspension of a driver's license for refusal to submit to blood, breath, or urine testing; directing the Department of Highway Safety and Motor Vehicles to invalidate a suspension for driving with an unlawful blood-alcohol level or breath-alcohol level if the suspended person is found not guilty at trial of the underlying violation of law; amending s. 322.27, F.S.; correcting a cross-reference relating to points assigned for littering violations; providing an effective date.

CORRECTION AND APPROVAL OF JOURNAL

The Journal of March 17 was corrected and approved.

CO-INTRODUCERS

Senators Baker—SB 2180; Bullard—SB 114, SB 266; Fasano—SB 1872, SB 1958; Haridopolos—SB 1374; Lynn—CS for SB 816; Rich—SB 1714

RECESS

On motion by Senator Pruitt, the Senate recessed at 9:51 a.m. for the purpose of holding committee meetings and conducting other Senate business to reconvene at 9:00 a.m., Tuesday, March 22 or upon call of the President.

BILL ACTION SUMMARY

FRIDAY, MARCH 18, 2005

S	62	Read third time; CS passed as amended 37-1
S	64	Read third time; CS passed as amended 39-0
S	114	Read third time; Passed 38-0
S	162	Read third time; Passed 39-0
S	238	Read third time; Passed 38-0
S	266	Read third time; Passed 39-0
S	300	Read third time; Passed 39-0
S	366	Read third time; CS passed 39-0
S	434	Read third time; CS passed as amended 38-0
S	474	Read third time; CS passed as amended 39-0
S	478	Read third time; CS passed as amended 39-0
S	544	Read third time; Passed as amended 39-0
S	804	Read third time
S	1486	Read third time; CS passed 37-0

JOURNAL OF THE SENATE

Daily Indices for March 18, 2005

NUMERIC INDEX

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BP — Bill Passed
CO — Co-Introducers
CR — Committee Report

CS — Committee Substitute, First Reading
FR — First Reading
MO — Motion

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